



Date: August 5, 2005
To: Members of the Marine Advisory Commission
From: Mark A. Sandoval, Manager of Marinas and Beaches
Subject: MEETING MINUTES OF JULY 14, 2005
MARINE ADVISORY COMMISSION (MAC)

Commissioners Present

Richard L. Miller, Chair
Mike Malbon
Holly Carpenter
Harry Hutton
Randy Crawford
Mike Reed
Peter Hogenson

Commissioners Absent

Bradley Whyte, Vice Chair
Dave Calhoun

Guests

Bud Johnson, DBW Commissioner
Amy Bently-Smith, Grunion Gazette
Joe Segura, Press Telegram
Chris Pook, Exec. Director, Sea Festival Asso.
Carl Kirnbauer, LBMBOA
Don Cobleigh, LBMBOA
Mrs. Donka Neimar
Art Brooks, Atty. for Mr. Neimar
Chris & Julie Sheldon, boatowners
John Calhoun, LBRA
Ross Wallach, SCSC
Christopher James, Gordon Bricken & Asso.
Gordon Bricken, Gordon Bricken & Asso.
William Alverio
Marica Samneth
Karen McBride

Marine Bureau Personnel

Mark Sandoval, Manager
Vivian Crook, Secretary
Kimarie Vestre, Special Events
Eric Skelly, Marina Agent II

City Staff

Jeff Edwards, Supt. Maint. Oper. Bureau
Mark Boone, Chief, Marine Safety, LBFD
Herminio Contreras, Sergeant, Marine Patrol
Dave Akins, Officer, Marine Patrol
Robert Lafoon-Villegas, Admin. Analyst, 2nd Dist.
Lisa Burgland, Asst. Admin. Analyst, 3rd Dist.
Avonne Gravel, Admin. Analyst, 3rd Dist.
David Ashman, Manager, Special Events & Filming

Rich O'Boyle
Chris Campbell
Linda Kousy
Tom Kousy
Bill Geshardt
Nancy O'Hara
Bobbie Cusato
Robert Einstein
Baffe McKinley
Glenn Agoncillo
Robert Flippen
Noriko Burcher
John Burcher
Larry Goodhue
Camelle Williams
Alfredo Aviles

Chairman Miller convened the meeting at 2:30 p.m., at the Shoreline Yacht Club.

ROLL CALL

Mark Sandoval called the roll of commissioners and introduced Marine Bureau personnel and City staff. Guests introduced themselves.

CONSENT CALENDAR

The June 9, 2005, MAC minutes were reviewed and approved as submitted.

PUBLIC COMMENT

None

OLD BUSINESS

None

NEW BUSINESS

- Ross Wallach of the Southern California Speedboat Club (SCSC) requested a 15-minute (accumulative) noise variance at 115db, for the 2005 Long Beach Sprint Nationals to be held August 13 and 14, 2005.

Mark Sandoval stated that the event is well received, and that he had no calls of complaint as a result of last year's event.

It was moved by Commissioner Malbon and seconded by Commissioner Reed that the MAC support the approval of a 15-minute accumulative noise variance at a level of 115db for the 2005 Long Beach Sprint Nationals, to be held on August 13 and 14. The motion passed unanimously.

- Mark Sandoval stated that he had received calls from homeowners regarding the trailer in the Marine Stadium parking lot. He wanted to clarify that the trailer is there temporarily (two months) to allow a mapping company to get their job done, and that the line that was installed to the trailer is a phone line and not a speaker system line.

He explained that there is a Marine Stadium Special Event Policy in place, which requires the use of a wireless system (a frequency that can be used to communicate via an AM radio). This system was purchased fifteen years ago and is now showing its age. The department is looking for another system that will compliment the one in place.

He went on to say that two years ago the X Games approached the City regarding use of Marine Stadium to hold their event and asked to be allowed to use a PA system. Their request was approved. There were no calls of complaint regarding use of the PA system for the X Games event. Last year, the SCSC asked to be able to use a PA system for their event. Before this event was held the promoter took a survey of residents living adjacent to the stadium. 75 residents signed survey forms and of the 75, 73 approved the use of a PA system for this event. Two of the surveys did not approve. The SCSC was allowed to use a PA system last year. Only one complaint was received regarding use of the PA system for this event.

Mark Sandoval asked the MAC to support the use of a PA system in Marine Stadium south shore for five Sea Fest events scheduled this summer. Hours of operation during these events will be from 10 a.m. to 5 p.m. on Saturday, and from 11 a.m. to 5 p.m. on Sunday. All five events may or may not use the PA system. He said that in order to truly evaluate the impact of a PA system in Marine Stadium he wants to gather information and data during an actual event. He said the Department would be seeking input from residents as part of their information gathering.

Chairman Miller explained that he could not vote on this item, due to his position on the Executive Board for Sea Fest, but that he would lead the discussion.

Ross Wallach explained that for his event the system would be used to announce the race winners, interview the winners and fans, and to thank supporters. There will be no music played over the system. The Sprint Nationals event is a sponsored event and part of the Sea Festival.

Chris Pook reported that the Sea Festival wants to put in place a standard set of rules for promoters of events being held in Marine Stadium. These rules will include PA system use, require event operators to submit a traffic plan, and show where they and spectators will be parking their vehicles. Event promoters will also be asked to hire the Conservation Corp to pickup trash and recyclable material along Appian Way during these events.

Mr. Bricken gave an explanation of how the sound test was done and how measurements were taken. He stated that another set of measurements taken over a 24-hour period were not put into the report, but showed the same results. The numbers taken of noise/cars from the street (Appian Way) ranged between 72 db and 80 db, and sometimes as low as 65 db.

Bobbie Cusato, representing the Spinnaker Bay Homeowners Association, read a statement that said their board opposes the use of loud speakers in Marine Stadium

Some homeowners voiced concerns about the height at which the sound tests were taken; that the tests were done on a Friday at 11 a.m. and not on a weekend day when it is quieter; and that the tests were not accurate because there was construction going on during the testing. There was a question as to whether or not a sound test would be conducted with the speakers facing north to show the impact on the residents of Spinnaker Bay. There was a concern that others who use the stadium would also want to use the PA system. There were also comments that they were not given proper notice about this meeting.

Mark Sandoval remarked that out of the 50 signatures gathered by Mr. Campbell, 11 were of the same households, and that 8 who signed his petition also signed the survey approving the use of the PA system for the SCSC event held last year. He also stated that the Director of the Department can approve this issue without MAC review, but that it falls under their purview as an advisory commission to the Marine Bureau.

A comment was made from someone in the audience about the use of a PA system during the summer concerts in Marine Stadium and wondered if the residents were opposed to its use on Thursday nights.

Commissioner Malbon remarked that it would be beneficial to recommend approval so that hard facts could be gathered and later addressed.

It was moved by Commissioner Malbon and seconded by Commissioner Crawford that the MAC support as requested the use of a PA system on the south shore of Marine Stadium for the next five Sea Fest events. The motion passed with Commissioner Hutton opposed and Chairman Miller abstaining.

- Mark Sandoval gave a timeline documenting events regarding Mr. Neimar's slip permit cancellation. He explained that in September of 2002, Mr. Shubin subleased slip A-10 from Mr. Neimar through May of 2003. In February of 2004, Mr. Neimar met with Marina Supervisor Laurie Little to complete paperwork for his new boat and provided USCG Vessel Documentation for the vessel Sapphire that shows both Mr. Neimar and Mr. Shubin's names on the document. On April 5, 2005, a waiting list applicant informed Mr. Sandoval that Mr. Neimar sold his boat. Marine Bureau staff ran the vessel Sapphire through the USCG website and found that Mr. Shubin was listed as sole owner. On April 13, 2005, the original vessel documentation for Sapphire was provided to the Marine Bureau and confirmed that the vessel was in Mr. Shubin's name only. On April 14, 2005, Mr. Neimar's slip permit was cancelled effective April 30, 2005, under Rules and Regulations, Section III. E Non-transferability of Permit and III. F Sale of Permittees Vessel. Mr. Neimar is, for all intents and purposes, living in Europe and it is believed that ownership of the vessel did indeed change hands.

Mrs. Neimar explained that her husband is out of the country for four to five months of the year. She said that he took on the partnership with Mr. Shubin so that he could have a boat here and a boat in Europe. The handling of the paperwork was turned over to Mr. Shubin's captain, Gary. However, Gary has since left the country and they have no way of contacting him. She stated that the problem was the fault of the boat captain, as he did not handle the documentation properly.

Mr. Art Brooks, Attorney representing Mr. Shubin, explained that the boat originally belonged to Mr. Shubin, and that due to a loan on the boat the bank would not add Mr. Neimar's name. Mr. Brooks contacted the bank and got their approval to add Mr. Neimar's name to the document, he also contacted the insurance company and had them send a new binder to the Marine Bureau with Mr. Neimar and Mr. Shubin's names on it. He stated that he has taken over managing the vessel and that Mr. Shubin is going to sell the boat because it is not being used.

Mark Sandoval clarified that he asked to be provided with a document that proved that Mr. Neimar and Mr. Shubin were co-owners at the time the permit was re-written in 2004. He asked if the document he had in his possession dated January 2004, showing both names, was a doctored document. He said that either Mr. Neimar was added and then removed from the document, or the document the Marine Bureau was given is fraudulent. He wanted to make clear that the document under review was the document submitted at the time of the re-write, he also wanted to highlight Mr. Brook's comment that the reason Mr. Neimar's name was not added was because there was a problem with the bank loan. He also wanted to make it clear that Mr. Neimar himself gave the document in question to Laurie Little, Marina Supervisor.

Commissioner Malbon remarked that as a vessel owner, he handles his own documentation and stated that the Commission had present before them copies of a certificate of documentation issued on June 18, 2003, and expiring July 31, 2004, that shows both Mr. Neimar and Mr. Shubin on the document; subsequently, the following year's renewal issued June 25, 2004, and expiring on July 31, 2005, shows only Mr. Shubin's name. He stated that the US Coast Guard would not change ownership on a document unless the previous owner in fact has released it. What the second document shows is that there was a release of ownership executed by Mr. Neimar and that certificate was then issued in the name of Mr. Shubin.

Art Brooks agreed that Coast Guard documents need to be notarized, and that there is no other way the boat could have been transferred. He said that Mr. Shubin was the original owner of the vessel and entered into partnership with Mr. Neimar. He said that they don't know what really happened because the captain is out of the country and they are unable to locate him. He said that it is possible that the document that the Marine Bureau had before them was a fraudulent document.

Commissioner Crawford stated that his concern was that there was a boat in a slip that shouldn't be there, as there are people on the waiting list, waiting their turn for a slip.

Commissioner Malbon stated that one of the documents presented to them is fraudulent, which is in violation of the Marine Rules and Regulations, and the Marine Bureau Policies, and that it is unreasonable to request that the MAC disregard the rules that everyone else has to follow. He said that as an owner of the vessel, Mr. Neimar did not ensure that the documents were properly executed.

It was moved by Commissioner Malbon and seconded by Commissioner Crawford that the MAC uphold the cancellation of Mr. Neimar's slip permit. The motion passed unanimously.

BUREAU MANAGER'S REPORT

Marina Operations Report

Mark Sandoval gave the report for the Marine Bureau Major Accomplishments, the Monthly Fund Budget Report for ABM/LBSM/RBH, the Total Vessels In and Out by Marina, and the Slip Status Report for the month of June.

- Revenues are somewhat down due to the attrition program. The Bureau still needs a significant number of slip vacancies for the ABM rebuild.

- Dock A rebuild in LBSM should be finished in October of this year. Once this occurs slips will be filled from the waiting list.
- Chairman Miller commented that a yacht broker was speaking to him about the inequity of slip fees between Basin 8 and the larger new slips.

Mark Sandoval explained that boatowners are not being forced into Basin 8. They can wait on the waiting list for a slip in the regular basin. He also explained that those who accept a slip in Basin 8 and cannot jump in front of people waiting on the waiting list for a 50' slip.

- Mark Sandoval distributed a page out of the 2004 MAC Annual Report and asked the MAC members to review it and get back to him with their comments. He said that if they were comfortable with the changes, he would take it to the City Council.

Maintenance Operations Report

Jeff Edwards gave the Marine Maintenance status report for the month of June.

- Maintenance is hoping to put requests for service on-line to enable staff to track work orders and inform customers of the status of their request. Maintenance has just recently gone through the hiring process for dedicated clerks to maintain this system.
- The renovation of landscaping along Marina Drive in ABM Basins 1 and 2 is moving forward and should be completed within the next sixty days. Maintenance is trying to seek the cooperation of Oil Properties on a section that belongs to them. Work will also be done on the south side of Marina Drive (the river side).
- Maintenance will have contractors remove debris that has accumulated in the water at the bulkhead of Gangway 34 in ABM.

Marine Safety Report

Chief Mark Boone gave the Marine Safety status report for the month of June.

- Chief Boone reported that June weather was cold, overcast, and there was much red tide.
- The Department of Boating and Waterways will be funding one vessel engine instead of two as requested.
- The Junior Lifeguard Program has 510 participants.
- The 4th of July was very slow this year. Beach Operations shut down at 8 p.m. Fireworks were a non-issue.
- The Junior Guard Regionals will be held July 22 and 23, 2005.
- The Lifeguard Dance is being held August 3, 2005.
- Marine Safety is working on a grant for a new dive vehicle.
- Chairman Miller stated that there is still a problem with individuals letting their dogs run loose on the beach, in particular along the Peninsula. Chief Boone said that Lifeguard Headquarters should be contacted regarding dogs on the beach.

- John Callous of the rowing group and the Long Beach Yacht Club (LBYC), stated that Tom Shadden, active in the LBYC and U.S. Sailing Center, would like to establish Long Beach as the aquatic capital of America. He went on to explain that the rowing club was established in 1932, and gave some historical background. He also commented that homeowners around Marine Stadium knew when they bought their homes that rowers were a part of Marine Stadium, and that this information was given to them in their CCRs. He stated that Mark Sandoval is a real champion for the rowing community.
- Don Cobleigh reported that he was near the Rowing Center area awhile back when he had a problem with his dinghy's motor. He said he waited for an hour and a half before someone came around. A young man who worked at the rowing center helped him out and even got his motor running. He asked if it would be possible to put a phone outside the building for public safety. Mark Sandoval said that he has already made that request.

Marine Patrol Report

Officer Akins reported on Marine Patrol activities for the month of June.

- During the 4th of July, 37 misdemeanors citations were issued; 25 citations were issued for possession of fire works; 9 citations were issued for traffic violations; and, 83 citations were issued for parking violations.

Marine Patrol had no fireworks activity in the Marina area at all. Comments received from boatowners were that they were happy there were no fireworks.

- The MAC was invited to attend the National Night Out Crime Prevention and Safety Fair on Tuesday, August 2, 2005, at 6 p.m. at the Lowe's Home Improvement Center on Spring Street and Bellflower Boulevard.

Executive MAC

- All items covered.

Operations Committee

- All items covered.

Facilities Committee

Commissioner Reed reported on Facilities Committee issues:

- Commissioner Reed stated that the L.A. River Channel is being dredged. A location is being sought for the sand to be dumped after it is cleaned.

Jeff Edwards said that the Army Corp of Engineers is in charge of keeping the L.A. River Channel clear. He said that they opened up the channel, which allowed Catalina Cruises to operate. He said that the Contaminated Sediment Task Force (CSTF) has the job of identifying a means of disposing of contaminated sediment. He explained that once sand is dredged out of the L.A. River a significant portion of it is contaminated and cannot be put back into the ocean, cannot be used for beach re-nourishment, and cannot be put in an offshore site. It must go to an upland disposal site and the cost is very prohibitive. Both the Ports of Los Angeles and Long Beach are heavily negatively impacted by silt and have been looking for a way of disposing of it. The CSTF has come up with a potential solution. The barge located at the channel is implementing that solution on a very small scale. They are separating out sediment that was dredged into its component parts so that a portion of it can be put back into the ocean. This is a critical test to determine if this plan for the disposal of contaminated sediment will work, and how cost effective it might be.

COMMENTS FROM THE AUDIENCE

- A comment was made from a woman in the audience that the MAC did a good job with handling the issue of the PA system use in Marine Stadium.

COMMENTS FROM COMMISSIONERS

- Chairman Miller remarked regarding the issue of the PA system use in Marine Stadium, that Mark Sandoval will do a good job with the follow up and data gathering. He stated that this issue would be revisited.

Mark Sandoval said that his key point is that the use of the PA system for these events will be a test, and that without doing the test there will not be data available to know what works. He wants to see what the total effect will be.

- There will be no MAC meetings held in the month of August.

ADJOURNMENT

Meeting adjourned at 4:55 p.m. The next meeting is set for September 8, 2005, at 2:30 p.m. at the Long Beach Yacht Club.

cc: Phil T. Hester, Director of Parks, Recreation and Marine
City Clerk